IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI. APPLICATION NO. 707 OF 2004

The State of Maharashtra ..Applicant.

V/s.

Somnath Dhanpal Sangave & Ors. ..Respondents

Shri D.R. More, APP for the Applicant.
Shri Ganesh Gole for the Respondents.

WITH
CRI. APPLICATION NO. 2709 OF 2004

Somnath Dhanpal Sangave ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Shri Ganesh Gole for the Applicant
Shri D.R.More, APP for the Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 14.10.2004

PC :-

. Heard the learned APP for the State and counsel for the Applicant.

. By Application No. 707/2004, the State prays that the order passed by the lower court dated 15th November, 2003 be set aside. By the said order, the

lower court rejected the application for cancellation of bail preferred by the State. Assuming that this application is to be treated as application for cancellation of bail, as was filed before the court below, the only ground on which that relief was sought is that the respondent had flouted the conditions of bail by entering in the prohibited area of Ichalkaranji, from where he was arrested on 3rd September, 2003. While considering, the request made on behalf of the applicant, the court below has recorded a clear finding on the basis of the material placed before him that the allegation of the police even if taken to be true, the accused person is found at Takawade Ves Road, which was not within the limits of the Ichalkaranji City. Interestingly, there is no ground in the present application that the finding, as recorded, is an error apparent on the face of the record or cannot be sustained at all. On this ground itself, the application moved before this court, deserves to be dismissed. It is so because the applicant has been released on bail on 27th June, 2003 and is at large since then. The only incident pressed into service against the applicant was his arrest within the jurisdiction of Ichalkaranji city. However, the court below has recorded finding as of

fact that the respondent was arrested at Takawade Ves Road, which was not within the limits of the Ichalkaranji city. Viewed in this perspective, no fault can be found with the approach of the court below. This application, therefore, deserves to be dismissed.

. As regards Criminal Application No. 2709/2004, the same has been filed by the Applicant for relaxing of conditions imposed, while granting bail by the lower court vide order dated 27th June,2003. The lower court has directed the accused not to enter Ichalkaranji city till further order. Having regard to the facts and circumstances of the present case, I am not inclined to relax this condition because the case of the prosecution is that the applicant accused has administered threats to certain persons and in fact was arrested on 3rd September, 2003. Although, the claim of the prosecution that the accused was arrested within limits of Ichalkaranji city is not accepted, even so since there are allegations of accused involving in administering threats, no case is made out for relaxing condition as imposed by the court below. Hence, Application preferred by the accused is also

rejected.

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